November 14, 2000

BY ELECTRONIC SUBMISSION TO
DOT-DMS DOCKET NUMBER 7952
ORIGINAL BY FIRST CLASS MAIL

Federal Aviation Administration
Office of Chief Counsel
ATTN: Rules Docket (AGC-200)
FAA Docket Number 28293
Room 915G
800 Independence Avenue, S.W.
Washington, D.C. 20591

Subject: FAA Docket No. 28293 - Amendment No. 121-279, 125-35, 135-77, and 145-22 – comments solicited for consideration by the Office of Management and Budget.

The Aeronautical Repair Station Association (ARSA) appreciates the opportunity to comment on the above-referenced final rule. ARSA represents entities certificated under Part 145 of the Federal Aviation Regulations (FARs). These entities are directly impacted by the final rule under consideration.

After much discussion and due consideration we find that the Federal Aviation Administration (FAA) has dramatically underestimated the cost to the public and the agency in implementing the rule and has overestimated its benefits. Using the four criteria listed in the final rule we set forth our comments as follows:

Criteria (i) *Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.*

Response: The FAA's stated objective "is to improve the reporting system to effectively collect and disseminate clear and concise safety information to the aviation industry." The information requested is extensive, confusing and redundant. For example, the rule contemplates the collection of each failure or defect related to:

1. *Corrosion, cracks, or disbonding that requires replacement of the affected part*. This information must be collected and reported under the Service Difficulty Reports (SDR) rule even though it may also be reported under

the operator's reliability program or to the manufacturer under the requirements of Airworthiness Directives mandating a Corrosion Prevention Control Program (CPCP). This information would also be required to be reported even if it was collected during routine maintenance clearly covered by the manufacturer's maintenance program. In other words, this requirement contemplates the collection of "safety" information on conditions that have already been addressed by the agency, the carrier or the manufacturer. Duplicating information is unnecessary for the proper function of the agency.

2. *Corrosion, cracks, or disbonding that requires rework or blendout because the corrosion, cracks, or disbonding exceeds the manufacturer's established allowable limits*. Again, the rule provides no relief for reporting information that may already have been submitted under another requirement, *i.e.*, CPCP reporting requirements. Additionally, many air carriers and repair stations develop major repairs approved by the Administrator that are tracked by the operator and reported to the agency under Parts 91, 121 and 135. The development and approval of these repairs is reviewed by the agency through the Aircraft Certification Services and therefore, this duplicative reporting is not needed for the proper function of the agency.
3. *Cracks, fractures, or disbonding in a composite structure that the equipment manufacturer has designated as a primary structure or principal structural element*. It is our understanding that there is no corresponding requirement for an "equipment manufacturer" to designate primary structures or principal structural elements during the certification process. Therefore, the designation of such elements or structures is neither clear nor consistent. Additionally, this report would have to be generated whether or not the "equipment manufacturer" was a production approval holder or whether or not the manufacturer's Instructions for Continued Airworthiness (ICAs) contemplated the repair of the cracks, fractures or disbonding. There is no need for the information to be reported if the certification of the product contemplated such damage after a specified period of operation. Collecting information that has already been documented during the certification process does not aid the agency in its "proper function."
4. *Repairs made in accordance with approved data not contained in the manufacturer's maintenance manual*. Designated Engineering Representatives (DERs), production approval holders and air carriers develop and approve countless repairs that are not contained in the

manufacturer's maintenance manuals or ICAs. These repairs are developed, approved and reported under other FAR requirements such as Form 8110-3s, engineering orders and Section 21.91 requirements. The need to report EACH repair that is approved again is not necessary for the proper function of the agency.

*Criteria (ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used*.

Response: The methodology and assumptions used by the agency in determining the cost of the proposed collection of information are invalid. The agency assumes that the additional cost to the operator will be $67 per year and to the repair station $2 per year.

The agency is requesting the following information on each of the failures or defects cited above:

1. *The manufacturer, model, and serial number of the aircraft, engine, or propeller*. Many of the failures and defects required to be reported will be on components and piece parts. Many of these components and piece parts are eligible for installation on numerous aircraft, engines and propellers. The need for the repair will not be evident at initial teardown of the completed product and the ability of the repair station to track the repair back to the product will be impossible. Therefore, if the repair station is reporting on behalf of the operator or, indeed, even if the operator is receiving information from the repair station to produce its own report, tracking the individual component or piece part back to the aircraft, engine or propeller will be nearly impossible. The FAA has not considered this logical scenario, therefore, the methodology and assumptions are invalid.
2. *The operator designator*. ARSA is unsure of what this means. Is an operator designator established by regulation?
3. *The date on which the failure, malfunction, or defect was discovered*. Most of the instances requiring reports will be discovered during routine maintenance of the aircraft, engine, propeller, component or piece part. Indeed, many of the occurrences are contemplated by the maintenance manuals of air carriers or the manufacturer. If the air carrier removes a engine, propeller, component or piece part "for cause," they will be

required to make an initial report. Then the maintenance provider will need to supplement the information to the carrier for completion of items 11 and 12 below. The "lag" time between the initial report and the "corrective action" supplement could be days, weeks or months, depending upon when the engine, propeller, component or piece part underwent maintenance. The FAA did not contemplate these routine scenarios when it estimated the cost of compliance with this rule, therefore the assumptions and methodology are invalid.

4. *The stage of flight or ground operation during which the failure or defect was discovered*. The air carrier does not normally report this information to a repair station. Therefore, if the air carrier has designated the repair station to report this information on their behalf, the repair station will only be able to make an initial report. Thereafter, the air carrier will have to supplement the report after it has tracked the information back to the "for cause" removal. If the removal was not "for cause" and the report is generated as part of routine maintenance, this information will not be completed or even needed. The FAA does not contemplate situations where all the required elements will not be available, therefore these types of reports will never be "closed." The cost of keeping reports open indefinitely was not contemplated by the agency during its cost analysis therefore the methodology and assumptions are invalid.
5. *The part name, part condition, and location of the failure or defect*. Most of this information will be collected by the repair station initially, but will require a supplemental report from the air carrier. The FAA states that it does not know how many additional reports will be required, but it assumes that it will only increase the amount by 3%. This assumption flies in the face of the defects and failures that will need to be reported under the final rule. A report must be made even though the corrosion, cracks, or disbonding may be contemplated by the ICAs, the air carrier's maintenance program or the manufacturer's maintenance manuals. ARSA believes numerous "routine" defects and failures will need to be reported under this final rule. Indeed, we believe that the types of failures and defects that must be reported under the new rule will increase the reporting requirements by over 50%. Not only will the initial reports increase, but the number of supplemental reports will increase the cost exponentially. The FAA failed to contemplate the scenarios offered and therefore their methodology and assumptions dramatically underestimate the cost of compliance.

6. *The applicable Joint Aircraft System/Component Code*. ARSA was unaware of this code system until the publication of the final rule. The industry has used the ATA code system for many years with full acceptance from the Administrator. The cost of training maintenance personnel to use two code systems for reporting information will be substantial. The use of the JASC code WILL NOT relieve the repair stations or the air carriers from use of the ATA code system. Therefore, the cost of compliance with one rule will necessitate duplicative efforts for the industry with no corresponding benefit. To require that a completely new code system be used solely for the purpose of compliance with one regulatory section will increase the cost of compliance astronomically. Computer systems and software will have to be modified, reporting requirements will have to be segregated and additional training of personnel will be necessary. The assumption and methodology used to validate this single requirement was not clearly defined or substantiated by the final rule.
7. *The total cycles, if applicable, and the total time of the aircraft.* This requirement is confusing; is the FAA requesting the total cycles on the component or piece part or on the aircraft? The air carrier does not track total time and cycles on many components and piece parts. If they do, this information is not necessarily reported to the repair station. Once again, if the repair station is designated to make these reports for the air carrier, they will only be able to make an initial report, thereby requiring a supplemental report by the air carrier. If the failure or defect is to a component or piece part, the information on the part or indeed, on the aircraft from which it was removed, will not be readily available. The cost of obtaining this information cannot be estimated particularly if the information cannot be tracked from the piece part back to the aircraft from which the component was removed. The requirement to provide the information will result in additional "open" reports. The cost of keeping reports open indefinitely was not contemplated by the FAA therefore the methodology and assumptions used are invalid.
8. *Other information necessary for a more complete analysis of the cause of the failure or defect, including corrosion classification, if applicable, or crack length and available information pertaining to type designation of the major component and the time since the last maintenance overhaul, repair, or inspection.* This openended requirement could result in substantial cost to the repair station and air carrier since the exact amount and/or type of information required is unclear. The FAA could easily

demand additional supplemental information "necessary for a more complete analysis of the cause" of the reported condition. Again, many major repairs are developed and approved by the Administrator are not contained in the manufacturer's maintenance manuals or ICAs. These repairs have already been reviewed and evaluated by the FAA, and their effect on safety has been analyzed. Additional reporting and analysis of such information is not necessary for the proper function of the agency. The methodology and assumptions used in evaluating the cost of compliance with this rule did not include the availability of information from other sources and is invalid.

9. *A unique control number for the occurrence, in a form acceptable to the Administrator*. There is no mention of the cost of ensuring that each report has a unique number in the FAA's final rule cost analysis. We anticipate that the cost of developing a system by the Administrator to guarantee that each report has a unique number will be born by the industry. In order to ensure that the report number is unique the industry will have to contemplate the use of the same type of system by another entity. It is unclear how this will be done. Since there are no methodology or assumptions used to determine this cost, we conclude that the cost estimate is invalid.

Criteria (iii) *Enhance the quality, utility, and clarity of the information to be collected.*

Response: First, the Administrator should reevaluate the specific information they are attempting to obtain. The cost of collecting information that may not ever be useful is overwhelming for both the agency and the industry. If the agency wants to collect information to enhance safety, it should not be collecting information on conditions that have already been evaluated.

Therefore, the collection of information on major repairs approved by the Administrator but not contained in the manufacturer's maintenance manuals (and although not cited, ICAs) must be removed from the rule. Gathering information on repairs that have already been evaluated and approved by the Administrator does not benefit either the agency or the public.

Clarifying whether the information must be collected on EVERY occurrence of a failure or defect relating to corrosion, cracks or disbonding is also required to ensure that the information collected will be useable. For example, if the

certification procedures already contemplate that corrosion, cracks and disbonding will occur after a certain amount of time or operation and therefore the corrective action is contained within the maintenance instructions from the type or production certificate holder, collection of this information only overloads the system.

The agency has titled the SDR sections “operational” and “structural,” yet the plain rule language of the latter section does not limit the reports to those found only in “aircraft structures.” Therefore, EVERY occurrence must be reported, including those on piece parts and components of aircraft, engines and propellers. The FAA has stated in private conversations, “that isn’t what we meant,” yet the plain language of the rule must be followed unless and until the rule is changed. ARSA requests that the FAA carefully review the PLAIN LANGUAGE of its rule and determine EXACTLY what information it wants to have reported. Until that is accomplished, the quality of the information collected will be questionable since different certificate holders will be reporting different information. The information collected will be unclear since continuous supplemental reports will be needed to ensure all the information required by the rule is provided. The utility of the information will be questionable since much of the information will have already been reported to the agency through the CPCP program and engineering evaluations that have already been made through 8110-3s and similar analysis by air carriers and production approval holders.

Conclusion

The Association requests extending the effective date of the rule for a minimum of one hundred twenty (120) days. During that time the agency should hold public hearings to disseminate and collect information on the EXACT nature of the data being requested and to evaluate the cost of collecting such information. If the agency determines that the rule contains too many ambiguities or requests duplicative information, it should amend the rule by direct final rule action.

Respectfully submitted,

Sarah MacLeod
Executive Director